

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DALE GUILFOIL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 06-493-GMS
	)	
DAVID PIERCE, et al,	)	JURY TRIAL REQUESTED
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME  
OUT OF TIME PURSUANT TO FED. R. CIV. P. 6(b)(2)  
TO RESPOND TO PLAINTIFF'S OPENING BRIEF**

1. On or about December 20, 2007, Plaintiff filed a *Motion for Summary Judgment* with a supporting *Memorandum of Points and Authorities* in the instant matter. D.I.52,53. Both the filings were made beyond the scope of the Court's Scheduling Order (D.I.16,26), mandating that dispositive motions be filed on or before October 31, 2007.
2. Defendants were directed to respond to Plaintiff's motion for summary judgment on or before January 14, 2008.
3. Due to the press of other litigation, counsel for Defendants was not able to file a response to Plaintiff's *Motion for Summary Judgment* in a timely manner.
4. This is the Defendants' first request for an extension of time for filing a response to Plaintiff's *Motion for Summary Judgment*.
5. There is no trial date scheduled in this case.
6. A form of order is attached to this motion that will grant the Defendants a sixteen (16) day extension from the January 14, 2008, deadline until today, January 30, 2008, in which to file Defendants' response.

WHEREFORE, the Defendants respectfully request this Honorable Court to grant their Motion and enter an Order, substantially in the form attached hereto, enlarging Defendants' time until today, January 30, 2008, in which to file Defendants' response.

**DEPARTMENT OF JUSTICE  
STATE OF DELAWARE**

/s/ Catherine Damavandi  
Catherine Damavandi, ID #3823  
Deputy Attorney General  
820 N. French St. 6<sup>th</sup> Fl.,  
Wilmington, DE 19801  
(302)577-8400  
Attorney for Defendants

Dated: January 30, 2008

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v.	)	C. A. No. 06-493-GMS
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	)	
Defendants.	)	

**ORDER**

This \_\_\_\_\_ day of \_\_\_\_\_, 2008, IT IS HEREBY ORDERED that Defendants' *Motion for Enlargement of Time Out of Time* is **GRANTED** and, Defendants have filed simultaneously with this Motion their response to Plaintiff's *Motion for Summary Judgment*.

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The Honorable Gregory M. Sleet  
United States District Court Judge

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Defendants.	)	

**7.1.1 CERTIFICATION OF COUNSEL**

The counsel for the Defendants, Deputy Attorney General Catherine Damavandi, files this certification in compliance with Rule 7.1.1 of the Local Rules of Civil Procedure and certifies that:

1. Plaintiff was previously incarcerated in the Delaware Correctional system, at the Sussex Correctional Institution and the Delaware Correctional Center.
2. Since Plaintiff is not able to be reached by telephone, counsel for the Defendants has spent no time in attempting to reach an agreement on the subject of the motion for enlargement of time.
3. She assumes the motion is opposed.

DEPARTMENT OF JUSTICE  
STATE OF DELAWARE  
/s/ Catherine Damavandi  
Catherine Damavandi, ID #3823  
Deputy Attorney General  
820 N. French St. 6<sup>th</sup> Fl.,  
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Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on January 30, 2008, I electronically filed *Defendants' Motion for Enlargement of Time* with the Clerk of Court using CM/ECF. I hereby certify that on January 30, 2008, I caused the within document to be mailed by United States Postal Service to the following non-registered party: Dale A. Guilfoil.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ Catherine Damavandi  
Catherine Damavandi, ID#3823  
Deputy Attorney General  
Department of Justice  
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